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8 Attorneys for Defendants  
HAROLD CARTER, RAYMOND LOERA,  
9 COUNTY OF IMPERIAL, AND IMPERIAL  
COUNTY SHERIFF'S DEPARTMENT  
10

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA  
13

14 ADRIANA FERNANDEZ,

15 Plaintiff,

16 v.

17 JAMES RAY MORRIS, HAROLD  
CARTER, RAYMOND LOERA,  
18 COUNTY OF IMPERIAL, IMPERIAL  
COUNTY SHERIFF'S DEPARTMENT,  
19 and DOES 1-100, inclusive,

20 Defendants.  
21

Case No. 08 CV 0601 JLS JMA

**DECLARATION OF JESSICA CISNEROS  
IN SUPPORT OF DEFENDANTS HAROLD  
CARTER, RAYMOND LOERA, COUNTY  
OF IMPERIAL, AND IMPERIAL COUNTY  
SHERIFF'S DEPARTMENTS MOTION TO  
DISMISS**

**NO ORAL ARGUMENT REQUIRED**

Date: July 10, 2008  
Time: 9:00 a.m.  
Judge: Magistrate Judge Jan M. Adler  
Courtroom: D

22 I, JESSICA CISNEROS, declare and state as follows:

23 1. I have personal knowledge of the facts set forth below and if called upon to do so,  
24 I will testify competently to such facts.

25 2. I am currently employed as an Office Assistant II with the Clerk of the Board of  
26 Supervisors for Imperial County. I have served in that position for approximately 18 months.

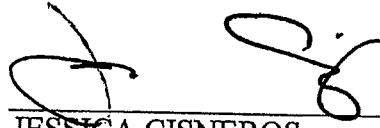
27 3. I am familiar with the manner in which the County receives claims for money  
28 damages against the County and its employees. As an Office Assistant II, I have received such

1 claims and am familiar with the manner in which they are maintained in our office.

2 4. On or about April 4, 2008, our office received an Application For Leave To  
3 Present Late Claim On Behalf Of Adriana Fernandez dated March 31, 2008. A true and correct  
4 copy of the March 31, 2008 Application For Leave and its attachments is attached to this  
5 Declaration as Exhibit "A".

6 5. The documents attached to the Application For Leave include an incomplete  
7 handwritten statement. It appears as though the original written statement was a two-sided  
8 document and that only one side of the document was copied and submitted with the Application  
9 for Leave.

10 I declare under penalty of perjury under the laws of the United States and the State of  
11 California that the foregoing is true and correct. Executed this 19<sup>th</sup> day of May, 2008, at  
12 El Centro, California.

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16 JESSICA CISNEROS  
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LIEBERT CASSIDY WHITMORE  
A Professional Law Corporation  
8033 W. Century Boulevard, Suite 500  
Los Angeles, CA 90045

**Exhibit A**

DAVID J. ZUGMAN, State Bar No. 190818  
BURCHAM & ZUGMAN, A.P.C.  
964 Fifth Avenue, Suite 300  
San Diego, California 92101  
Telephone: (619) 699-5931

07-08-L-100-2301-013

GERALD SINGLETON, State Bar No. 208783  
LAW OFFICE OF GERALD SINGLETON  
1950 Fifth Avenue #200  
San Diego, CA 92101  
Telephone: (619) 239-2196

Attorneys for Plaintiff Claimant

In the matter of the claims made	)	
by ADRIANA FERNANDEZ,	)	
	)	
Claimant,	)	APPLICATION FOR LEAVE TO
	)	PRESENT LATE CLAIM ON
Against,	)	BEHALF OF ADRIANA
	)	FERNANDEZ
	)	
COUNTY OF IMPERIAL, IMPERIAL	)	
COUNTY SHERIFF'S DEPARTMENT,	)	
DEPUTY SHERIFF JAMES RAY MORRIS,	)	
SHERIFFS CARTER AND LOERA.	)	(G.C. 911.4 & 911.6)
	)	
	)	

TO: COUNTY OF IMPERIAL, IMPERIAL COUNTY SHERIFF'S DEPARTMENT,  
SHERIFF RAYMOND LOERA, FORMER SHERIFF HAROLD CARTER,  
DEPUTY SHERIFF JAMES MORRIS

1. Application is hereby made, pursuant to Government Code sections 911.4 and 911.6(b)(1), for leave to present a late claim founded on causes of action for personal injuries that occurred on beginning in Mid-March 2007 through mid-April 2007, in the County of Imperial, State of California. On September 4, 2007, Ms. Fernandez presented this claim to the COUNTY OF IMPERIAL, California, but received no response. On January 16, 2008, a similar claim was sent to the Imperial County Sheriff's Office. That claim was denied on February 19, 2008.<sup>1</sup>

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<sup>1</sup> A copies of these claims are attached.

2. As stated in the claims, on or about Mid-March to mid-April 2007, claimant ADRIANA FERNANDEZ, was repeatedly coerced, bribed, intimidated, and pressured into sexual contact with Deputy Sheriff James Morris while Ms. Fernandez was an inmate at the IMPERIAL COUNTY JAIL. The acts committed by SHERIFF MORRIS and the other as yet unknown officers, agents, and employees of the COUNTY OF IMPERIAL and the IMPERIAL COUNTY SHERIFF'S DEPARTMENT, constituted willful violations of Ms. Fernandez's constitutional and statutory rights. The County is liable for its negligent and intentional torts including, but not limited to, negligence, negligence hiring and retention, negligent training and supervision, negligence per se, false arrest, false imprisonment, misuse of process, assault-and-battery, battery, and deliberate indifference/ratification of DEPUTY SHERIFF MORRIS'S conduct. At the time these acts were committed, DEPUTY SHERIFF MORRIS and the other officers, agents, and employees of COUNTY OF IMPERIAL and the IMPERIAL COUNTY SHERIFF'S DEPARTMENT were in the course and scope of their employment with the COUNTY OF IMPERIAL and the IMPERIAL COUNTY SHERIFF'S DEPARTMENT.

3. The COUNTY OF IMPERIAL and the IMPERIAL COUNTY SHERIFF'S DEPARTMENT negligently and carelessly failed to properly and adequately supervise DEPUTY SHERIFF MORRIS and its other officers, agents, and employees involved in this incident. Although the COUNTY OF IMPERIAL, the IMPERIAL COUNTY SHERIFF'S DEPARTMENT and SHERIFF CARTER AND LOERA were responsible for the hiring, training, deputizing, retention, suspension, management, direction, conduct and control of SHERIFF MORRIS and its other agents, officers, deputies and employees involved in the acts

alleged in the claim, COUNTY OF IMPERIAL, the IMPERIAL COUNTY SHERIFF'S DEPARTMENT and SHERIFF CARTER negligently and carelessly failed to properly discharge these duties, proximately causing the injuries and damages to claimant ADRIANA FERNANDEZ As alleged in her claim.

4. The acts giving rise to this claim arose on or about March and April 2007. Claimant ADRIANA FERNANDEZ was in federal custody at the time of the incident and was a pretrial inmate. She would eventually plead guilty and be sentenced to 12 months of custody. The IMPERIAL COUNTY DISTRICT ATTORNEY'S OFFICE prosecuted Mr. Morris and convicted him of a felony. Claimant ADRIANA FERNANDEZ made several requests to the district attorney, Deborah Owen, for assistance regarding restitution and compensation for claimant ADRIANA FERNANDEZ's injuries and medical expenses now and in the future, the District Attorney failed to assist claimant ADRIANA FERNANDEZ; Claimant ADRIANA FERNANDEZ was only left with this recourse of filing a claim with the county.

5. Because Claimant Fernandez has previously sent a claim to the County and the Sheriff's Department, if that claim was lost, misplaced, or mishandled, she asks the COUNTY to consider it again and excuse any putative failure to present this claim within the six-month period specified by section 911.2 of the California Government Code was through mistake, inadvertence, surprise or excusable neglect, and the COUNTY OF IMPERIAL, IMPERIAL COUNTY SHERIFF'S DEPARTMENT, SHERIFF HAROLD CARTER, SHERIFF RAYMOND LOERA, and DEPUTY SHERIFF MORRIS, will not be prejudiced by this failure to present this claim within six months. Indeed, had the district attorney, the County, or the Sheriff's Office responded to Ms.

Fernandez's earlier claims arising out of the Deputy Morris's felonious conduct and the conduct of the other agents, employees, officers and deputies of the COUNTY OF IMPERIAL and IMPERIAL COUNTY SHERIFF'S DEPARTMENT, there would be no need to reassert this claim.


6. This application is presented within a reasonable period of time after the accrual of this cause of action, and the COUNTY OF IMPERIAL, IMPERIAL COUNTY SHERIFF'S DEPARTMENT, SHERIFFS HAROLD CARTER, AND RAYMOND LOERA, AND DEPUTY SHERIFF JAMES MORRIS, and they will not be prejudiced by the fact that it is filed after the six month period specified in California Government Code section 911.2.

WHEREFORE, it is respectfully requested that this application be granted and that attached claim be received and acted upon in accordance with sections 911.4-911.8 of the Government Code.

Dated: March 31, 2008

BURCHAM & ZUGMAN, A PLC

By:

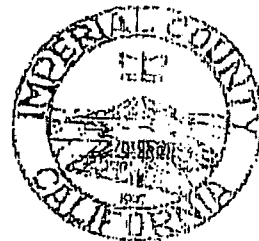
  
\_\_\_\_\_  
DAVID J. ZUGMAN, ESQ.  
Attorneys for Claimant



## IMPERIAL COUNTY SHERIFF'S DEPARTMENT

RAYMOND LOERA

SHERIFF-CORONER-MARSHAL

COMPLAINT FORMEmployee, Policy or Procedure, Accused of: PLEASE SEE ATTACHED PAGEDescription of employee: OFFICER MORRIS (Guard at Imperial County Jail)Date and time of incident: OCTOBER 2006 - APPROXIMATELY APRIL 2007

Details of complaint: (Include nature of complaint, names and addresses of witnesses, and doctor, hospital or attorney contacted regarding this complaint. It is very important that as many factual details as possible be included, so that your complaint may be thoroughly investigated. Use an additional sheet of paper, if necessary.) PLEASE SEE ATTACHED PAGE

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICY CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MIGHT FIND AFTER THE INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE (148.6 California Penal Code).

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

ADRIANA GUADALUPE FERNANDEZ Complainant

Signature: [Signature] Address: 211 BUSH BLVD: SANFORD FL 32773  
 Name: (Print): Adriana Fernandez Phone: 619 1099 5930  
 Where & When you can be contacted: c/o BURCHAM & ZUGMAN Attorneys at Law  
964 Fifth Avenue #300 San Diego, CA 92101 (619) 699-5931

Employee receiving complaint: \_\_\_\_\_

Date &amp; time received complaint: \_\_\_\_\_



ATTACHMENT TO COMPLAINT FOR  
ADRIANA GUADALUPE FERNANDEZ

In April of 2007, I was in custody at the Imperial County Jail ("ICJ") as a federal inmate. A Officer named Morris worked at the jail in which I was housed. During my time at ICJ, Officer Morris made inappropriate, sexual remarks toward me which became full-fledged flirting. He finally plainly stated that he wanted me to have sex with him. I would see him every day -- he was the Officer in charge of recreation and he would take me and the other girls to the yard four times a week. This was more than normal recreation time allotment. In the last week of April, he again asked me if I would have sex with him. His badgering me for sex became more insistent and finally I succumbed to his repeated badgering and I had sex with him in a storage area. Thereafter, I became sick.

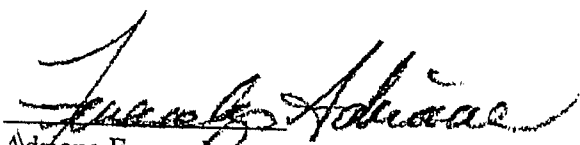
Around this time I was also placed in a special housing unit for an alleged fight with the staff. (The truth is that the staff attacked me and thereafter put me in segregation). Officer Morris was the only person who take me out to recreation. I was alone with him during these times. During the one hour I would receive in recreation, Officer Morris would pressure me for sex. I was declining because I was in ill health. He asked me for oral sex I said no. He got mad so I did it. As my condition deteriorated, I began to get sores in my mouth. My tongue was swelling. I put in medical requests to be seen, but was ignored.

I told Officer Morris I would not have sex with him because I was not well. Mr. Morris responded by not taking me out for recreation. He then restarted taking me out for recreation, but would then pressure me to have sex with him. When I said no, he would cut my time short. I was in a lockdown style facility were this was my only time out -- in other words, if I refused to have sex than I would have to stay in my cell 24/7.

All of this was common knowledge among the inmates, the other officers, and the staff. I was ostracized by some of the other inmates while others tried to get favors because of my supposed special relationship. I was not the only female inmate this happened to. Other females were pressured by other officers for sex. Despite this problem being common knowledge, there was no attempt to curb it. To the contrary, there was a room off the rec yard with no camera and a mattress. It was a subject of common discussions. I know of other girls who had sex with other officers. It was not hidden at all. Everyone knew about it.

I learned as a result of this guy was that I now have syphilis.

I am asking for compensation for the physical damage and emotional trauma I sustained because of this violation of my personhood and my rights.

  
Adriana Fernandez

IMPERIAL COUNTY SHERIFF'S OFFICE

RAYMOND LOERA

SHERIFF • CORONER • MARSHAL

February 19, 2008

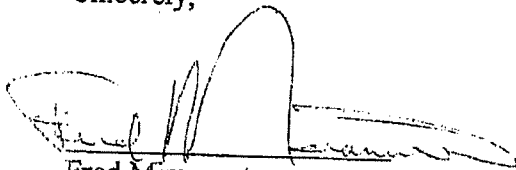
Adriana Guadalupe Fernandez  
211 Bush Blvd.  
Sanford, FL 32773

RE: CC # 08-008

Ms. Fernandez,

In reference to your complaint received alleging that Correctional Officer James Morris coerced you into having sexual intercourse with him and as a result you contracted syphilis. The Imperial County Sheriff's Office Administrative Investigations Unit investigated your complaint CC 08-008. Our investigation revealed that Correctional Officer James Morris misconduct was investigated and the appropriate administrative discipline has been imposed. The Imperial County Sheriff's Administrative Investigations Unit cannot award you any damages.

Sincerely,



Fred Miramontes  
Under Sheriff

Cc: ~~c/o Burcham & Zugman~~  
Attorney's at Law  
964 Fifth Avenue, # 300  
San Diego, CA 92101



Received by:

U.S. Mail ☐

Interoffice mail ☐

Over the Counter ☐

CLAIM # \_\_\_\_\_

14 DAYS \_\_\_\_\_

45 DAYS \_\_\_\_\_

A CLAIM MUST BE FILED WITH THE COUNTY OF IMPERIAL CLERK OF THE BOARD OF SUPERVISORS WITHIN 6 MONTHS AFTER THE INCIDENT OR EVENT OCCURRED. BE SURE YOUR CLAIM IS AGAINST THE COUNTY OF IMPERIAL, NOT ANOTHER PUBLIC ENTITY. WHERE SPACE IS INSUFFICIENT, PLEASE USE ADDITIONAL PAPER. ALL CLAIMS MUST BE RETURNED TO COUNTY OF IMPERIAL ATTN: CLERK OF THE BOARD OF SUPERVISORS, 940 WEST MAIN STREET, SUITE 209, EL CENTRO, CA. 92243

Name of Claimant: Fernandez Adriana Guadalupe  
Last First Middle

Address of Claimant: 220 W. C Street (Geo) San Diego Ca 92101  
Street Address/PO Box City State Zip

Home Phone: ( ) \_\_\_\_\_

Work Phone: ( ) \_\_\_\_\_

Date of Birth: 05-05-1981

Name and address to which claimant desires notice to be sent if different from above:

Name \_\_\_\_\_ Street Address/PO Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date damage/injury occurred: 04-2007

Time damage/injury occurred: \_\_\_\_\_

Location injury/damage occurred: Recreation Area - Back office

Specify the particular occurrence, event, action, omission you claim caused the injury or damage (use additional paper if necessary): On or about April of 2007 Mr. Morris

approached and insinuated me with sexual conversation, flirting. In the middle month -cont- back

Describe how the County of Imperial or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury: Imperial County Jail.

employee who caused damage - James Morris.

Give a description of the injury, property damage, or loss, so far as is known at the time of the claim. If there were no injuries, please state "NO INJURIES": Mr. James Morris transmitted a sexually disease. Syphilis.

Names and addresses of all witnesses, hospitals, doctors, etc.:

1. Raquel Escalante 3851 Proctor St. San Diego Ca 92110 (619) 548-2034  
Name Address City State Zip Phone No.
2. Elsa Valenzuela 1147 Goldfield Way Heber Ca 92249 (760) 556-5139  
Name Address City State Zip Phone No.
3. Sandra Gutierrez 151 G St. Apt 7 Brawley Ca 92227 (760) 344-3048  
Name Address City State Zip Phone No.

CONTINUED ON OTHER SIDE

REVISED 08/02

**Damages Claimed:**

- ❖ Amount Claimed as of this date: \$ \_\_\_\_\_
- ❖ Estimated amount of future costs: \$ \_\_\_\_\_
- ❖ Total Amount Claimed: \$ \_\_\_\_\_

Basis for computation of amounts claimed (Please attach copies of all bills, invoices, estimates, etc):

Damaged vehicle if applicable: Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN No.: \_\_\_\_\_ Mileage: \_\_\_\_\_

Insurance Company: \_\_\_\_\_ Policy No: \_\_\_\_\_

Is vehicle a company vehicle, if so give name and address of company: \_\_\_\_\_

Any additional information that might be helpful in considering this claim: \_\_\_\_\_

1. Please read claim thoroughly.
2. Fill out claim as indicated; attach additional information if necessary.
3. This Claim form **MUST be signed** by claimant or on behalf of the claimant.
4. Completed claims must be mailed or returned to:

County of Imperial  
Clerk of the Board of Supervisors  
940 West Main Street, Suite 209  
El Centro, CA. 92243

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (Penal Code Section 72)**

I HAVE READ THE MATTERS AND STATEMENTS MADE IN THE ABOVE CLAIM AND I KNOW THE SAME TO BE TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO THOSE MATTERS STATED UPON INFORMATION OR BELIEF AND AS TO SUCH MATTERS, I BELIEVE THE SAME TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Claimant's Signature *Adriana E. Fernandez* Print or type name Adriana E. Fernandez Date \_\_\_\_\_

DATE STAMP

persuade me to have sex with him. He would tell me how pretty I was, and that he would think about me every day. etc. I would see him on a daily basis, He would take me to the rec, 3-4 times a week - more than normal, around that time the last week of April, he asked me again if I would have sex with him, I actually told him, I would think about it, the next day behind his office in a storage area, we engaged in sexual activity, He put his penis in my vagina, he used no condom, stating that he doesn't carry them around and that it didn't matter since I was clean, he had checked my inmate records. He then told me he was "clean". The month of May, the following month, I started feeling sick. Mr. Morriss would take

want me to have sex with him almost every day. I had been declining since I didn't feel well at all. He asked me to give him oral sex, I didn't want to, but he got upset and I did anyway. The following days I felt worse. I got sores in my mouth, my tongue was swelling, I was ignored when I put in medical requests, on May 5th. I told Dr. Morriss, I would not allow him to have sex with me, since I was not well. He stopped taking me out, and when he would take me out, it was to try and have sex with me. I didn't want to, he stopped taking me out for the full hour, and shortened my time to less.

were mixed for Mr. Morris. And yet I didn't want to have sex with him. My reason to accept in the end seemed to me to be given a certain time of freedom, to be given some positive attention by someone whom I liked even though I had your county jail inmate uniform on. When I was transferred to GEO in San Diego, new blood work was done checking for STD's. In Imperial when I was in intake, these tests were done and I was negative for any STD's or other problems. In GEO I was not checked positive for STD - Syphilis. I was rather high on the levels. I was told and researched that - symptoms appear - 6 days after contact. I had all the symptoms. The Health department came



I was told I had to say since it is a dangerous deadly disease. I was scared, and so I decided to tell her since she promised it to be confidential. I told her about Mr. Morriss. She was shocked, as I. She told me she would investigate. A month later he was arrested. I received the treatment of six penicillin shots. Even after treatment I still have symptoms.